BILL NO.G-88-07-24 (AS AMENDED) (AS AMENDED) (AS AMENDED) 1 GENERAL ORDINANCE NO. G-19-88 2 AN ORDINANCE of the Common Council of the City of Fort Wayne, Indiana, amending Chapter 31 of the Municipal Code "Water and Watercourses", by adding a new Article entitled "Water 3 4 5 Conservation". time time climatic WHEREAS, from to 6 7 conditions, both natural and man-made, may arise or occur which will cause a temporary shortage of water; 8 WHEREAS, such conditions may affect the City of Fort 9 10 Wayne's public water system's ability to provide an adequate supply of water or to maintain adequate water pressure in the 11 12 delivery system; and WHEREAS, in such an event it is imperative to the well 13 being of the citizens of the City of Fort Wayne that the use 14 of water not essential to the health, welfare and safety of 15 the City of Fort Wayne and its citizens be restricted; 16 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF 17 THE CITY OF FORT WAYNE, INDIANA: 18 SECTION 1. Chapter 31 of the Municipal Code of the 19 City of Fort Wayne, Indiana, is amended by adding a new 20 Article III, entitled "Water Conservation", which contains the 21 following language: 22 SEC. 31-25 - Application 23 The provisions of this Article shall apply to all persons, 24 firms, partnerships, associations, corporations, companies or organizations of any kind connected to the City of Fort 25 Wayne, Indiana, public water system or using water therefrom (hereinafter referred to as "users"). 26 SEC. 31-26 - Declaration of Need 27 Upon a determination by the City of Fort Wayne's Board of 28 Public Works and Safety that the City of Fort Wayne's public water system is in imminent danger of a shortage of 29 water or is experiencing a shortage of water, the Mayor shall declare a water conservation emergency and establish the appropriate water conservation measures as set forth 30 in this Article and the duration thereof. 31

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SEC. 31-27 - Voluntary Conservation

If notice of a voluntary water conservation emergency is given in accordance with SEC. 31-31, users may be requested to reduce consumption by practicing voluntary conservation techniques. The Board of Public Works and Safety shall suggest reasonable and meaningful actions which will alleviate existing or potential water shortage.

SEC. 31-28 - Rationing

If notice of a water rationing emergency is given in accordance with SEC. 31-30, users, in addition to the mandatory conservation measures identified in shall be limited to water use in accordance with a schedule established by the Board of Public Works and Safety for residential use, business use, commercial use and industrial use.

In determining an appropriate schedule or schedules for the rationing of water use, the Board of Public Works and Safety shall consider the volume of water used by the user during an appropriate base period as determined by the Board of Public Works and Safety.

SEC. 31-29 - Exceptions

The Board of Public Works and Safety of the City of Fort Wayne is granted the right to establish alternative conservation or rationing requirements for the following:

- (a.) Health care providers;
- (b.) The reasonable use of water to maintain adequate health and sanitary standards;
- (c.) Those industrial and agricultural activities declared to be necessary for the public health and well-being.

SEC. 31-30 - Notice

Notice of voluntary conservation measures shall be by whatever means deemed appropriate by the Board of Public Works and Safety. Said notice shall be effective upon publication.

Notice of mandatory conservation measures or rationing shall be by first-class United States mail, or by other door - to - door distribution to each current user, and by electronic and print media. Said notice shall be deemed effective at the conclusion of door - to - door distribution, or at Noon on the third (3rd) day after depositing same in the United States mail.

SEC. 31-31 - Enforcement

Any user who violates SEC. 31-28 of this Article may be punished by any or all of the following:

- (a.) a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00). Each day of violation shall constitute a separate offense;
- (b.) the imposition of an excess use charge as approved by the Board of Public Works and Safety, the Common Council of the City of Fort Wayne, and the Indiana Utilities Regulatory Commission;

(c.) disconnection of water service with the imposition of a reconnecting fee as approved by the Board of Public Works and Safety, the Common Council of the City of Fort Wayne, and the Indiana Utilities Commission. The Board of Public Works and Safety shall SECTION 2. not later than three (3) weeks from the date of the passage of this ordinance by the Fort Wayne Common Council, present to the Common Council a final schedule for the imposition of excess use charges as described in Section 31-31 (b) and (c) of this ordinance. SECTION 3. This Ordinance shall be in full force and effect from and after its passage and publication, and any and all necessary approval by the Mayor. Alacen o. Took Councilmember APPROVED AS TO FORM AND LEGALITY J. Timothy McCaulay, City Attorney

| City Plan Commission for recommendation | and duly adopted, read the second time by |
|---------------------------------------------------------------------------------------|---------------------------------------------------------------|
| Fort Wayne, Indiana, on | rence Room 128, City-County Building, |
| of, 19 | , at, day, day, day, M.,E.S.T. |
| DATED: 7-12-88 | Dandra F. Lennedy |
| | SANDRA E. KENNEDY, CITY CLERK |
| Read the third time in full and seconded by Salavies passage. PASSED LOST by the foll | on motion by ther and duly adopted, placed on its owing vote: |
| | YS ABSTAINED ABSENT |
| TOTAL VOTES 8 | |
| BRADBURY | |
| BURNS | |
| GiaQUINTA | |
| HENRY | |
| LONG | |
| REDD | |
| SCHMIDT | |
| STIER | |
| TALARICO | |
| DATED: 7-19-18 | SANDRA E. KENNEDY, CITY CLERK |
| Passed and adopted by the Common | Council of the City of Fort Wayne, |
| Indiana (name | ROPRIATION) (GENERAL) |
| (SPECIAL) (ZONING MAP) ORDIN | |
| on the 19th day of fuly. | |
| Sandra F. Lennedy | |
| SANDRA E. KENNEDY, CITY CLERK | PRESIDING OFFICER |
| | the City of Fort Wayne, Indiana, on |
| the 2/sk day of | fully , 1988, |
| at the hour of // 30 o' | clock A .M., E.S.T. |
| | Sandra E. Lennedy |
| | SANDRA E. KENNEDY, CITY CLERK |
| Approved and signed by me this | |
| 19 <u>88</u> , at the hour of2:30 | |
| | |
| | PAUL HELMKE, MAYOR |

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AN ORDINANCE of the Common Council of the City of Fort Wayne, Indiana, amending Chapter 31 of the Municipal Code "Water and Watercourses", by adding a new Article entitled "Water Conservation".

WHEREAS, from time to time climatic and other conditions, both natural and man-made, may arise or occur which will cause a temporary shortage of water;

WHEREAS, such conditions may affect the City of Fort Wayne's public water system's ability to provide an adequate supply of water or to maintain adequate water pressure in the delivery system; and

WHEREAS, in such an event it is imperative to the well being of the citizens of the City of Fort Wayne that the use of water not essential to the health, welfare and safety of the City of Fort Wayne and its citizens be restricted;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Chapter 31 of the Municipal Code of the SECTION 1 City of Fort Wayne, Indiana, is amended by adding a new Article III, entitled "Water Conservation", which contains the following language:

SEC. 31-25 - Application

The provisions of this Article shall apply to all persons, firms, partnerships, associations, corporations, companies or organizations of any kind connected to the City of Fort Wayne, Indiana, public water system or using water therefrom (hereinafter referred to as "users").

SEC. 31-26 - Declaration of Need

Upon a determination by the City of Fort Wayne's Board of Public Works and Safety that the City of Fort Wayne's public water system is in imminent danger of a shortage of water or is experiencing a shortage of water, the Mayor shall declare a water conservation emergency and establish the appropriate water conservation measures as set forth in this Article and the duration thereof.

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SEC. 31-27 - Voluntary Conservation

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If notice of a voluntary water conservation emergency is given in accordance with SEC. 31-31, users may be requested to reduce consumption by practicing voluntary conservation techniques. The Board of Public Works and Safety shall suggest reasonable and meaningful actions which will alleviate existing or potential water shortage.

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SEC. 31-28 - Mandatory Conservation

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If notice of a mandatory water conservation emergency is given in accordance with SEC. 31-31, users shall be prohibited from the water uses listed below, subject to reasonable terms, times and conditions as the Board of Public Works and Safety shall determine, which may include the imposition of surcharges for increased water usage over past comparable usage:

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(a.) Sprinkling, watering or irrigating of shrubbery, trees, grass, ground covers, plants, vines, gardens, vegetables, or any other vegetation, other than that done by the use of hand-held watering containers, or that necessary for the production of food, maintenance of livestock and pets, maintenance of stock by commercial nurseries, or maintenance of arboretums and public gardens of national, state or regional significance to preserve specimens.

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(b.) Washing of automobiles, trucks, trailers, mobile homes, railroad cars or any other type of mobile equipment, other than by commercial car washes.

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(c.) Cleaning or spraying of sidewalks, driveways, paved areas, or any other outdoor surfaces.

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(d.) Non-essential washing and cleaning of any business equipment or machinery.

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(e.) The filling of swimming pools, wading pools with a fifty (50) gallon or more capacity, and/or ornamental fountains.

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(f.) Knowingly allowing defective plumbing.

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SEC. 31-29 - Rationing

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If notice of a water rationing emergency is given in accordance with SEC. 31-31, users, in addition to the mandatory conservation measures identified in SEC. 31-28, shall be limited to water use in accordance with a schedule established by the Board of Public Works and Safety for residential use, business use, commercial use and industrial

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In determining an appropriate schedule or schedules for the rationing of water use, the Board of Public Works and Safety shall consider the volume of water used by the user during the corresponding month of the preceding year or, in the event that the user was not residing in or in business in or operating in the area served by the City of Fort Wayne's public water system, The Board of Public Works and Safety shall consider the average monthly volume of water used during the number of months such user was residing in, in business in, or operating in the City of Fort Wayne's public water system area.

PAGE THREE

SEC. 31-30 - Exceptions

The Board of Public Works and Safety of the City of Fort Wayne is granted the right to establish alternative conservation or rationing requirements for the following:

- (a.) Health care providers;
- (b.) The reasonable use of water to maintain adequate health and sanitary standards;
- (c.) Those industrial and agricultural activities declared to be necessary for the public health and well-being.

SEC. 31-31 - Notice

Notice of voluntary conservation measures shall be by whatever means deemed appropriate by the Board of Public Works and Safety. Said notice shall be effective upon publication.

Notice of mandatory conservation measures or rationing shall be by first-class United States mail, or by other door - to - door distribution to each current user, and by electronic and print media. Said notice shall be deemed effective at the conclusion of door - to - door distribution, or at Noon on the third (3rd) day after depositing same in the United States mail.

SEC. 31-32 - Enforcement

Any user who violates SEC. 31-28 or SEC. 31-29 of this Article may be punished by fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00). Each day of violation shall constitute a separate offense. In addition to, or in the alternative to a fine, water service may be terminated for any user who violates SEC. 31-28 or SEC. 31-29 of this Ordinance.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and publication, and any and all necessary approval by the Mayor.

Councilmember

APPROVED AS TO FORM AND LEGALITY

J. Timothy McCaulay, City Attorney

| Admn. | Appr |
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| | 11 |

DIGEST SHEET

| TITLE OF ORDINANCE GENERAL ORDINANCE (So smended) (So smended) DEPARTMENT REQUESTING ORDINANCE MAYOR'S OFFICE (So smended) |
|------------------------------------------------------------------------------------------------------------------------------|
| (so emended) (so briended |
| DEPARTMENT REQUESTING ORDINANCE MAYOR'S OFFICE (Os assended) |
| SYNOPSIS OF ORDINANCE AN ORDINANCE AMENDING CHAPTER 31 OF THE MUNICIPAL |
| CODE "WATER AND WATER COURSES", ADDING A NEW ARTICLE ENTITLED |
| "WATER CONSERVATION". ORDINANCE IS NECESSARY TO PROVIDE |
| MECHANISM FOR ESTABLISHING WATER CONSERVATION METHODS WHEN |
| CLIMATIC CONDITIONS SO REQUIRE. |
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| EFFECT OF PASSAGE ESTABLISHES MECHANISM AND STANDARDS FOR MANDATORY |
| WATER CONSERVATION. |
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| EFFECT OF NON-PASSAGE NO MECHANISM TO ENFORCE MANDATORY WATER CONSERVATION |
| |
| MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) n/a |
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| ASSIGNED TO COMMITTEE (PRESIDENT) |
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| | as amended 7-1 as amended 7-1 as amended (delete on controlly when and all reference |
|---------------------------------|------------------------------------------------------------------------------------------|
| | as amended. 7-1 |
| BILL NO. G-88-07-24 | as amended (delete |
| REPORT OF THE COMMITTEE | ON Committee of the Whole and all |
| WE, YOUR COMMITTEE ONREGULATION | 14.7 |
| REFERRED AN (ORDINANCE) (RESOLV | of the Common Council |
| of the City of Fort Wayne, Ind | iana, amending Chapter 31 |
| of the Municipal Code "Water a | nd Watercourses" by adding a |
| new Article entitled "Water Co | nservation" |
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| HAVE HAD SAID (ORDINANCE) (RES | NOTAXINON) UNDER CONSIDERATION |
| AND BEG LEAVE TO REPORT BACK TO | |
| (ORDINANCE) (RESOLUTION) | Lo Pass |
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| 110 | NO |
| anet J. Bradousanet G. BRAD | BURY, |
| Mark San MARK E. GiaQU | |
| VICE CHAIRMAN CHARLES B. RE | |
| Marso 2 3 DAVID C. LONG | |
| PAUL M. BURNS | |
| Then & Honey a 16 W. | |
| CONCURRED IN 7-19-18 | |
| Jan NV | D&1. |
| | Sandra E. Kennedy City Clerk |

D-19-88 - 1325 Water & Waterenuses 7-19.

15-88-05-21

7-12 -

"Water Conservation" Ordinance Amendments 7/19/88

- In the first paragraph of SEC. 31-28, strike the following:
 "... which may include the imposition of surcharges for increased water usage over past comparable usage..."
- 2. In the second paragraph of SEC. 31-29, strike lines 4 11 and substitute (after the word "during" at the end of the third line) "an appropriate base period as determined by the Board of Public Works and Safety." Odd Comendal language -
- 3. Substitute the following for the present SEC. 31-32: SEC. 31-32 Enforcement

Any user who violates SEC. 31-28 or SEC. 31-29 of this Article may be punished by any or all of the following:

- (a.) a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00). Each day of violation shall constitute a separate offense;
- (b.) the imposition of an excess use charge as approved by the Board of Public Works and Safety, the Common Council of the City of Fort Wayne, and the Indiana Utilities Regulatory Commission;
- (c.) disconnection of water service with the imposition of a reconnecting fee as approved by the Board of Public Works and Safety, the Common Council of the City of Fort Wayne, and the Indiana Utilities Commission.

The bel of wis shall, not later than

3 weeks from the date of the passage of these

ordinance by the 7. W. Common assured,

possent to the common council a final schelule

for the imposition of excess use charges as

described in Section 31-32 (b) + (c) of this

ordinance.

"Water Conservation" Ordinance Amendments 7/19/88

- In the first paragraph of SEC. 31-28, strike the following:
 "... which may include the imposition of surcharges for increased water usage over past comparable usage..."
- 2. In the second paragraph of SEC. 31-29, strike lines 4 11 and substitute (after the word "during" at the end of the third line) "an appropriate base period as determined by the Board of Public Works and Safety."
- 3. Substitute the following for the present SEC. 31-32:

SEC. 31-32 - Enforcement

Any user who violates SEC. 31-28 or SEC. 31-29 of this Article may be punished by any or all of the following:

- (a.) a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00). Each day of violation shall constitute a separate offense;
- (b.) the imposition of an excess use charge as approved by the Board of Public Works and Safety, the Common Council of the City of Fort Wayne, and the Indiana Utilities Regulatory Commission;
- (c.) disconnection of water service with the imposition of a reconnecting fee as approved by the Board of Public Works and Safety, the Common Council of the City of Fort Wayne, and the Indiana Utilities Commission.

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GENERAL ORDINANCE NO. G-

AN ORDINANCE of the Common Council of the City of Fort Wayne, Indiana, amending Chapter 31 of the Municipal Code "Water and Watercourses", by adding a new Article entitled "Water Conservation".

WHEREAS, from time to time climatic and other conditions, both natural and man-made, may arise or occur which will cause a temporary shortage of water;

WHEREAS, such conditions may affect the City of Fort Wayne's public water system's ability to provide an adequate supply of water or to maintain adequate water pressure in the delivery system; and

WHEREAS, in such an event it is imperative to the well being of the citizens of the City of Fort Wayne that the use of water not essential to the health, welfare and safety of the City of Fort Wayne and its citizens be restricted;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana, is amended by adding a new Article III, entitled "Water Conservation", which contains the following language:

SEC. 31-25 - Application

The provisions of this Article shall apply to all persons, firms, partnerships, associations, corporations, companies or organizations of any kind connected to the City of Fort Wayne, Indiana, public water system or using water therefrom (hereinafter referred to as "users").

SEC. 31-26 - Declaration of Need

Upon a determination by the City of Fort Wayne's Board of Public Works and Safety that the City of Fort Wayne's public water system is in imminent danger of a shortage of water or is experiencing a shortage of water, the Mayor shall declare a water conservation emergency and establish the appropriate water conservation measures as set forth in this Article and the duration thereof.

SEC. 31-27 - Voluntary Conservation

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If notice of a voluntary water conservation emergency is

given in accordance with SEC. 31-31, users may be requested to reduce consumption by practicing voluntary conservation techniques. The Board of Public Works and Safety shall suggest reasonable and meaningful actions which will alleviate existing or potential water shortage.

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SEC. 31-28 - Mandatory Conservation - teleter - E.

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If notice of a mandatory water conservation emergency is given in accordance with SEC. 31-31, users shall be prohibited from the water uses listed below, subject to reasonable terms, times and conditions as the Board of Public Works and Safety shall determine:

to it

- (a.) Sprinkling, watering or irrigating of shrubbery, trees, grass, ground covers, plants, vines, gardens, vegetables, or any other vegetation, other than that done by the use of hand-held watering containers, or that necessary for the production of food, maintenance of livestock and pets, maintenance of stock by commercial nurseries, or maintenance of arboretums and public gardens of national, state or regional significance to preserve specimens.
- (b.) Washing of automobiles, trucks, trailers, mobile homes, railroad cars or any other type of mobile equipment, other than by commercial car washes.
- (c.) Cleaning or spraying of sidewalks, driveways, paved areas, or any other outdoor surfaces.
- (d.) Non-essential washing and cleaning of business equipment or machinery.
- (e.) The filling of swimming pools, wading pools with a fifty (50) gallon or more capacity, and/or ornamental fountains.
- (f.) Knowingly allowing defective plumbing.

SEC. 31-29 - Rationing

If notice of a water rationing emergency is given in accordance with SEC. 31-31, users, in addition to the mandatory conservation measures identified in SEC. 31-28, shall be limited to water use in accordance with a schedule established by the Board of Public Works and Safety for residential use, business use, commercial use and industrial use.

In determining an appropriate schedule or schedules for the rationing of water use, the Board of Public Works and Safety shall consider the volume of water used by the user during an appropriate base period as determined by the Board of Public Works and Safety.

PAGE THREE

| 1 | SEC. 31-30 - Exceptions |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2 | The Board of Public Works and Safety of the City of Fort |
| 3 | Wayne is granted the right to establish alternative conservation or rationing requirements for the following: |
| 4 | (a.) Health care providers; |
| 5 | (b.) The reasonable use of water to maintain adequate health and sanitary standards; |
| 6 | (c.) Those industrial and agricultural activities declared |
| 7 | to be necessary for the public health and well-being. |
| 8 | <u>SEC. 31-31</u> - <u>Notice</u> |
| 9 | Notice of voluntary conservation measures shall be by whatever means deemed appropriate by the Board of Public Works and Safety. Said notice shall be effective upon |
| 11 | publication. |
| 12 | Notice of mandatory conservation measures or rationing shall be by first-class United States mail, or by other door - to - door distribution to each current user, and by electronic |
| 13 | and print media. Said notice shall be deemed effective at the conclusion of door - to - door distribution, or at Noon |
| 14 | on the third (3rd) day after depositing same in the United States mail. |
| 15 | SEC. 31-32 - Enforcement |
| 16 | Any user who violates SEC. 31-28 or SEC. 31-29 of this |
| 17 | Article may be punished by any or all of the following: |
| 18 19 | (a.) a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00). Each day of violation shall constitute a separate offense; |
| 20 21 | (b.) the imposition of an excess use charge as approved by the Board of Public Works and Safety, the Common Council of the City of Fort Wayne, and the Indiana Utilities Regulatory Commission; |
| 22 | (c.) disconnection of water service with the imposition of a |
| 23 24 | reconnecting fee as approved by the Board of Public Works and Safety, the Common Council of the City of Fort Wayne, and the Indiana Utilities Commission. |
| 2 5 | SECTION 2. This Ordinance shall be in full force and |
| 26 | effect from and after its passage and publication, and any and |
| 27 | all necessary approval by the Mayor. |
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| | |
| 29 | Councilmember |
| 30 31 | APPROVED AS TO FORM AND LEGALITY |
| 32 | |
| | J. Timothy McCaulay, City Attorney |

BILL NO.G-88-07-24 (AS AMENDED) (AS AMENDED) (AS AMENDED) GENERAL ORDINANCE NO. G-AN ORDINANCE of the Common Council of the City of Fort Wayne, Indiana, amending Chapter 31 of the Municipal Code "Water and Watercourses", by adding a new Article entitled "Water Conservation". time climatic and other to WHEREAS, from time conditions, both natural and man-made, may arise or occur which will cause a temporary shortage of water; WHEREAS, such conditions may affect the City of Fort Wayne's public water system's ability to provide an adequate supply of water or to maintain adequate water pressure in the delivery system; and WHEREAS, in such an event it is imperative to the well being of the citizens of the City of Fort Wayne that the use of water not essential to the health, welfare and safety of the City of Fort Wayne and its citizens be restricted; NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana, is amended by adding a new Article III, entitled "Water Conservation", which contains the following language:

SEC. 31-25 - Application

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The provisions of this Article shall apply to all persons, firms, partnerships, associations, corporations, companies or organizations of any kind connected to the City of Fort Wayne, Indiana, public water system or using water therefrom (hereinafter referred to as "users").

SEC. 31-26 - Declaration of Need

Upon a determination by the City of Fort Wayne's Board of Public Works and Safety that the City of Fort Wayne's public water system is in imminent danger of a shortage of water or is experiencing a shortage of water, the Mayor shall declare a water conservation emergency and establish the appropriate water conservation measures as set forth in this Article and the duration thereof.

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SEC. 31-27 - Voluntary Conservation

If notice of a voluntary water conservation emergency is given in accordance with SEC. 31-21, users may be requested to reduce consumption by practicing voluntary conservation techniques. The Board of Public Works and Safety shall suggest reasonable and meaningful actions which will alleviate existing or potential water shortage.

SEC. 31-28 - Rationing

If notice of a water rationing emergency is given in accordance with SEC. 31-31, users, in addition to the mandatory conservation measures identified in shall be limited to water use in accordance with a schedule established by the Board of Public Works and Safety for residential use, business use, commercial use and industrial use.

In determining an appropriate schedule or schedules for the rationing of water use, the Board of Public Works and Safety shall consider the volume of water used by the user during an appropriate base period as determined by the Board of Public Works and Safety. The Board of Public Works and and Safety shall not later than three (3) weeks from the date of the passage of this ordinance by the Fort Wayne Common Council, present to the Common Council a final schedule for the imposition of excess use charges as described in Section 31-22 (b) and (c) of this Ordinance.

SEC. 31-30 - Exceptions

The Board of Public Works and Safety of the City of Fort Wayne is granted the right to establish alternative conservation or rationing requirements for the following:

- (a.) Health care providers;
- (b.) The reasonable use of water to maintain adequate health and sanitary standards;
- (c.) Those industrial and agricultural activities declared to be necessary for the public health and well-being.

SEC. 31-21 - Notice

Notice of voluntary conservation measures shall be by whatever means deemed appropriate by the Board of Public Works and Safety. Said notice shall be effective upon publication.

Notice of mandatory conservation measures or rationing shall be by first-class United States mail, or by other door - to - door distribution to each current user, and by electronic and print media. Said notice shall be deemed effective at the conclusion of door - to - door distribution, or at Noon on the third (3rd) day after depositing same in the United States mail.

SEC. 31-32 - Enforcement

Any user who violates SEC. 31-29 of this Article may be punished by any or all of the following:

(a.) a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00). Each day of violation shall constitute a separate offense;

| 1 | (b.) the imposition of an excess use charge as approved by the Board of Public Works and Safety, the Common Council of the City of Fort Wayne, and the Indiana |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2 | Utilities Regulatory Commission; |
| 3 | (c.) disconnection of water service with the imposition of a reconnecting fee as approved by the Board of Public |
| 4 | Works and Safety, the Common Council of the City of Fort Wayne, and the Indiana Utilities Commission. |
| 5 | SECTION 2. This Ordinance shall be in full force and |
| | effect from and after its passage and publication, and any and |
| 6 | |
| 7 | all necessary approval by the Mayor. |
| 8 | |
| 9 | Councilmember |
| 10 | APPROVED AS TO FORM |
| 11 | AND LEGALITY |
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| 13 | J. Timothy McCaulay, City Attorney |
| 14 | 5. Himothy McCaulay, City Accorney |
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LEGAL NOTICE

| Notice | is hereby given that on the 19th day of |
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| | July , 19 88 , the Common Council of the City |
| of Fort | Wayne, Indiana, in a Special Session did pass |
| the fol General | lowing Bill No. G-88-07-24 (as amended) (as amended) (as amended) |
| Ordinan | ce No. G-19-88 to-wit: |
| 1 | BILL NO.G-88-07-24 (AS AMENDED) (AS AMENDED) (AS AMENDED) |
| 2 | GENERAL ORDINANCE NO. G-19-88 |
| 3 | AN ORDINANCE of the Common Council of the City of Fort Wayne, Indiana, |
| 4 | Code "Water and Watercourses" by |
| ō | adding a new Article entitled "Water Conservation". |
| 6 | WHEREAS, from time to time climatic and other |
| 7 | conditions, both natural and man-made, may arise or occur |
| 8 | which will cause a temporary shortage of water; |
| 9 | WHEREAS, such conditions may affect the City of Fort |
| 10 | Wayne's public water system's ability to provide an adequate |
| 11 | supply of water or to maintain adequate water pressure in the |
| 12 | delivery system; and |
| 13 | WHEREAS, in such an event it is imperative to the well |
| 14 | being of the citizens of the City of Fort Wayne that the use |
| 15 | of water not essential to the health, welfare and safety of |
| 16 | the City of Fort Wayne and its citizens be restricted; |
| 17 | NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF |
| 18 | THE CITY OF FORT WAYNE, INDIANA: |
| 19 | SECTION 1. Chapter 31 of the Municipal Code of the |
| 20 | City of Fort Wayne, Indiana, is amended by adding a new |
| 21 | Article III, entitled "Water Conservation", which contains the |
| 22 23 | following language: |
| | SEC. 31-25 - Application |
| 2425 | The provisions of this Article shall apply to all persons, firms, partnerships, associations, corporations, companies or organizations of any kind corporations, companies |
| 26 | Wayne, Indiana, public water gueta to the City of Fort |
| 27 | (Mereinaiter referred to as "users"). |
| 28 | Upon a determination by the City of Date of Da |
| 29 | Upon a determination by the City of Fort Wayne's Board of Public Works and Safety that the City of Fort Wayne's public water system is in imminort dance. |
| 30 | public water system is in imminent danger of a shortage of water or is experiencing a shortage of water, the Mayor shall declare a water conservation emergency and establish |
| 31 | the appropriate water conservation emergency and establish in this Article and the duration thereof. |

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SEC. 31-27 - Voluntary Conservation

If notice of a voluntary water conservation emergency is given in accordance with SEC. 31-31, users may be requested to reduce consumption by practicing voluntary conservation techniques. The Board of Public Works and Safety shall suggest reasonable and meaningful actions which will alleviate existing or potential water shortage.

SEC. 31-28 - Rationing

If notice of a water rationing emergency is given in accordance with SEC. 31-30, users, in addition to the mandatory conservation measures identified in shall be limited to water use in accordance with a schedule established by the Board of Public Works and Safety for residential use, business use, commercial use and industrial use.

In determining an appropriate schedule or schedules for the rationing of water use, the Board of Public Works and Safety shall consider the volume of water used by the user during an appropriate base period as determined by the Board of Public Works and Safety.

SEC. 31-29 - Exceptions

The Board of Public Works and Safety of the City of Fort Wayne is granted the right to establish alternative conservation or rationing requirements for the following:

- (a.) Health care providers;
- (b.) The reasonable use of water to maintain adequate health and sanitary standards;
- (c.) Those industrial and agricultural activities declared to be necessary for the public health and well-being.

21 SEC. 31-30 - Notice

Notice of voluntary conservation measures shall be by whatever means deemed appropriate by the Board of Public Works and Safety. Said notice shall be effective upon publication.

Notice of mandatory conservation measures or rationing shall be by first-class United States mail, or by other door - to - door distribution to each current user, and by electronic and print media. Said notice shall be deemed effective at the conclusion of door - to - door distribution, or at Noon on the third (3rd) day after depositing same in the United States mail.

SEC. 31-31 - Enforcement

Any user who violates SEC. 31-28 of this Article may be punished by any or all of the following:

- (a.) a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00). Each day of violation shall constitute a separate offense;
- (b.) the imposition of an excess use charge as approved by the Board of Public Works and Safety, the Common Council of the City of Fort Wayne, and the Indiana Utilities Regulatory Commission;

| exc | | schedule for the imposition of bed in Section 31-31 (b) and (c) |
|-------------|-------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| 6 | SECTION 3. This Ordi | nance shall be in full force and |
| 7 eff | fect from and after its pas | sage and publication, and any and |
| 8 all | l necessary approval by the | Mayor. |
| 9 | | |
| 10 | | Charles B. Redd |
| 11 | | Councilmember |
| seconded by | Read the third time in full Talarico, and duly adopted owing vote: | |
| | AYES: Eight Bradbury, Burns, Gia Stier, Talarico NAYS: None ABSTAINED: None ABSENT: One Redd DATED: 7-19-88 | Quinta, Henry, Long, Schmidt, Sandra E. Kennedy |
| | | City Clerk |
| | Indiana as General Ordinar | Common Council of the City of ace No. G-19-88 on the 19th day |
| | ATTEST: | (SEAL) |
| | Sandra E. Kennedy City Clerk | Thomas C. Henry Presiding Officer |
| | the 21st day of July, 1988 | or of the City of Fort Wayne, 3, at the hour of 11:30 o'clock |
| | | Sandra E. Kennedy City Clerk |
| | Approved and signed by me to o'clock P.M., E.S.T. | this 27th day of July, 1988, at the |
| | | Paul Helmke Mayor |
| I, The Cle | erk of the City of Fort Way | ne, Indiana do hereby certify |
| that the a | above and foregoing is a fu | ll, true and complete copy of |
| Gene | eral Ordinan | ce No. G-19-88 |
| passed by | the Common Council on the | 19th day of |
| Ju | , 1988 | , and that said Ordinance was |
| duly signe | ed and approved by the Mayo | r on the 27th day of |
| Jul | ly , 19 88 | , and now remains on file and |
| on record | in my office. | |
| WITNESS m | y hand, and the official se | al of the City of Fort Wayne, |
| Indiana, | this 28th day of Jul | y , 19 88 . |
| SEAL | | Sandra F. Kennedy |
| | | |

SANDRA E. KENNEDY, CITY CLERK



THE CITY OF FORT WAYNE

July 29, 1988

Ms. April Minnick Fort Wayne Newspapers, Inc. 600 West Main Street Fort Wayne, IN 46802

Dear Ms. Minnick:

Please give the attached full coverage on the dates of August 4 & August 11, 1988, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council of Fort Wayne, IN

Bill No. G-88-07-24 (as amended) (as amended) Water and Watercourses

L. Lennedy

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy

City Clerk

SEK/ne ENCL:

| Indiana, in a Special Session did pass the followin No. G-88-07-24 (as amended) (as amended) amended) General Ordinance No. G-19-88 to-w BILL NO. G-88-07-24 (AS AMENDED) AMENDED) (AS AMENDED) (AS AMENDED) GENERAL ORDIANCE NO. G-1 AN ORDINANCE of the Common Council of the C Fort Wayne, Indiana, amending Chapter 31 of Municipal Code "Water and Watercourses", adding a new Article entitled "Water Conservatic WHEREAS, from the time to time climatic and conditions, both natural and man-made, may aris occur which will cause a temporary shortage water; | g Bill (as (it: (AS | | | |
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| Municipal Code "Water and Watercourses", adding a new Article entitled "Water Conservation WHEREAS, from the time to time climatic and | the state of the s | То: | The Journal-Gaz | ette Dr. |
| conditions, both natural and man-made, may aris occur which will cause a temporary shortage water; | se or | | P.O. Box 100 Fort Wayne, IN | |
| WHEREAS, such conditions may affect the Cit Fort Wayne's public water system's ability to pro an adequate supply of water or to maintain adequ | ty of otylide ity, Indiana | | Fort Wayne, IN | |
| Water pressure in delivery system; and WHEREAS, in such an event it is imperative to well being of the citizens of the City of the City of | the Fort PUBLI | SHER'S CLA | IM | |
| the health, welfare, and safety of the City of Fort Wa and its citizens be restricted: | to | | | |
| COMMON COUNCIL OF THE CITY OF THE FO WAYNE, INDIANA: SECTION 1. Chapter 31 of the Municipal Code of | The state of the s | | 1 11 4 4 1 | |
| new City of Fort Wayne, Indiana, is amended by add a new Article III, entitled "Water Conservation", wh contains the following language: | ing leed two actual lines, ne ich ype in which the body o | of the advertiser | ment is set) | |
| occur which will cause a temporary shortage water; WHEREAS, such conditions may affect the Cit Fort Wayne's public water system's ability to pro an adequate supply of water or to maintain adequate ressure in delivery system; and wHEREAS, in such an event it is imperative to well being of the citizens of the City of the City of Wayne that the use of water not essential the health, welfare, and safety of the City of Fort Wa and its citizens be restricted: NOW, THEREFORE, BE IT ORDAINED BY TOOMMON COUNCIL OF THE CITY OF THE FO WAYNE, INDIANA: SECTION 1. Chapter 31 of the Municipal Code of new City of Fort Wayne, Indiana, is amended by add a new Article III, entitled "Water Conservation", who contains the following language: SEC. 31°25 - Application The provisions of this Article shall apply to persons, firms, partnerships, associations, corporations, companies or organizations of any k connected to the City of Fort Wayne, Indiana, put water system or using water therefrom (hereinaf referred to as "users") SEC. 31-26 - Declaration of Need Upon the determinations by the City of Fort Wayne and of a shortage of water or is experiencing a shortage water, the Mayor shall declare a water conservation measures as set forth in this Article at the duration thereof. SEC. 31-7 - Voluntary Conservation If notice of a wountary water conservation and the duration of a shountage of a shortage of a shortage of a countary water conservation. | all. | | | 1 |
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| Wayne's Public water system is in imminent dang of a shortage of water or is experiencing a shortage water, the Mayor shall declare a water conservation. | ort of | | | 2 |
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| conservation measures as set forth in this Article at the duration thereof. SEC. 31-27 - Voluntary Conservation If notice of a voluntary water conservation are referency is given in accordance with SEC. 31-3 users may be requested to reduce consumption to practicing voluntary conservation techniques. The Board of Public Works and Safety shall suggereasonable and meaningful actions which will alleviate existing or potential water shortage. SEC. 31-28 - Rationing If notice of a water rationing emergency is given accordance with SEC. 31-30, users, in addition to the mendatory conservation measures identified in shall be limited to water use in accordance with schedule established by the Board of Public Works and Safety for residential use. In determining an appropriate schedule or schedules for the rationing of water use, the Board of Public Works and Safety shall consider the volume of wate used by the user during an appropriate base period and determined by the Board of Public Works and Safety. SEC. 31-29 - Exceptions The Board of Public Works and Safety and Public Works and Safety and Supplementary and Safety an | ce on 1, | | | |
| practicing voluntary conservation techniques. The Board of Public Works and Safety shall sugger reasonable and meaningful actions which will be suggered. | op ne st TS | | | |
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| Fort Wayne is granted the right to establish alternative conservation or rationing requirements for the | f | proof in choose | | |
| (b.) The reasonable use of water to maintain | | | | \$83.68 |
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| SEC. 31-30 - Notice Notice of voluntary conservation measures shall be | 5 ems | | | |
| effective upon publication. Said notice shall be | | | | |
| Notice of mandatory conservation measures or rationing shall be by first-class United States mail, or by other door - to door distribution to each current user, and by electronic and print media. Said notice | | | | |
| shall be deemed effective at the conclusion of door to door distribution, or at Noon on the third (3rd) day after depositing same in the United States mail. | and penalties of Chapter | 155, Acts 1953, | | |
| SEC. 31-31 - Enforcement Any user who violates SEC. 31-28 of this Article may | regoing account is just ar | nd correct, that | the amount | |
| Hundred Dollars (\$2,500,00). Each day of violation | er allowing all just credit | ts, and that no | part of the | , (|
| (b.) the imposition of an excess use charge as approved by the Board of Public Works and Safety, the Common Council of the City of Fort Wayne, and the Indiana Utilities Regulatory Commission; (c.) disconnection of water service with the | | | Devise Of | dejander |
| Board of Public Works and Safety the Comment | , 19 88 | Title: | Clerk | SIL THE STATE OF T |
| Utilities Commission. | | | | |
| shall not later than three (3) weeks from the date of the passage of the Ordinance by the Fort Wayne Common Council, present to the Common Council a final schedule for the imposition of excess use charges as described in Section 31-31 (b) and (c) of this ordinance. | PUBLISH | IER'S AFFID | AVIT | |
| SECTION 3 This Ordinance shall be in full form | State of Indiana) | | | |
| effect from and after its passage and publication, and any and all necessary approval by the Mayor. Charles B. Redd |) ss: | | | |
| Read the third time in full and on motion by Stier, seconded by Talarico, and duly adopted, placed on its passed. PASSED by the following vote: | Allen County) | | | |
| passed. PASSED by the following vote: AYES: Eight Bradbury, Burns, GiaQuinta, Henry, Long, Schmidt, Stier, Talarico | Personally appeared bef | | | |
| NAYS: None ABSTAINED: None ABSENT: One | undersigned Denise | | | ly sworn, says that he/newspaper of general |
| DATED: 7-19-88 Sandra E. Kennedy | she is Clerk circulation printed and | | | |
| Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-19-88 on the 19th day of July, 1988. | | 1- | | hat the printed matter |
| ATTEST: Sandra E. Kennedy City Clerk | attached hereto is a | true copy, wh | ich was duly publis | hed in said paper for |
| (SEAL) Thomas C. Henry Presiding Officer Presented by me to the Mayor of the City of Fort | two time s | , the dates | of publication being as | s follows: |
| Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 21st day of July, 1988, at the hour of 11:30 o'clock A.M., E.S.T. Sandra E. Kennedy | August 4, 11, 1988 | | | |
| Approved and signed by me this 27th day of July, 1988, at the hour of 2:30 o'clock P.M., E.S.T. | | | Devise Ol | exandre |
| Paul Helmke | Subscribed and sworn to | before me this | 11thday ofAu | igust , 19 <u>88</u> . |
| I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. 3-19-88, passed by the Common Council, on the 19th day of July, 1988, and that said Ordinance was duly signed and approved by the Mayor on the 27th day of July, 1988, and now remains on file and on record in my office. | | | Shello. | Safire . |
| signed and approved by the Mayor on the 27th day of July, 1988, and now remains on file and on record in my office. | | Shelley | Notary P | ublic |
| WITNESS my hand, and the official seal of the City of ort Wayne, Indiana, this 28th day of July, 1988. SEAL | My commission expires: | March 3, | | 100 200 |
| 84-11 Sandra E. Kennedy, City Clerk | | | | |

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